

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES BAEING,	:	CIVIL ACTION NO. 1:07-CV-2148
	:	
Petitioner	:	(Judge Conner)
v.	:	
	:	
GEORGE W. PATRICK, et al.,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 5th day of June, 2009, upon consideration of petitioner's motion (Doc. 26) for leave to file an amended petition for writ of habeas corpus, as well as respondents' opposition (Doc. 28) thereto, and it appearing that petitioner's proposed amendment states a potential claim for relief, (see Doc. 26), that petitioner is acting in good faith, and that respondents will not be prejudiced by permitting petitioner leave to amend, see FED. R. CIV. P. 15(a)(2)¹ (stating that the "court should freely give leave [to amend] when justice so requires"); Foman v. Davis, 371 U.S. 178, 182 (1962) (finding that "undue delay, bad faith or dilatory motive on the part of the movant, . . . undue prejudice to the opposing party by virtue of allowance of the amendment, [and] futility of amendment" constitute reasons not to grant leave to amend), it is hereby ORDERED that:

¹Amendment of pleadings in habeas corpus proceedings is governed by Federal Rule of Civil Procedure 15. See Mayle v. Felix, 545 U.S. 644, 655-56 (2005).

1. The motion (Doc. 26) for leave to file amended petition is GRANTED.
2. The Clerk of Court is instructed to docket petitioner's proposed amended habeas petition, which is attached to the motion (Doc. 26) for leave to file amended petition, as a properly filed amended petition for habeas corpus.
3. On or before July 8, 2009, respondent shall file a brief in opposition to petitioner's amended petition. Respondents' brief in opposition need only address the subject of petitioner's amendment, namely Ground Four of the amended petition.
4. On or before July 22, 2009, petitioner may file a brief in reply to respondents' opposition.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge